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CLOUDERA, INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CLOUDERA, INC.,

Plaintiff,

v.

DATABRICKS, INC., RICHARD
DOVERSPIKE,

Defendants.

Case No. 4:21-cv-01217-HSG

**JOINT STIPULATION AND
ORDER REGARDING
SUPPLEMENTAL BRIEFING
FOR MOTION TO STAY
PENDING ARBITRATION**

STIPULATION AND ORDER REGARDING SUPP. BRIEFING FOR MOTION TO STAY

CASE NO. 4:21-CV-01217-HSG

sf-4465726

**JOINT STIPULATION REGARDING SUPPLEMENTAL BRIEFING
FOR MOTION TO STAY PENDING ARBITRATION**

Pursuant to Civil Local Rules 7-3(d) and 7-12 and subject to the approval by the Court, Plaintiff CLOUDERA, INC. (“Cloudera”) and Defendant DATABRICKS, INC. (“Databricks”) (together, the “Parties”), hereby stipulate as follows:

WHEREAS, Cloudera filed its Complaint against Databricks and Defendant Richard Doverspike (“Doverspike”) in the United States District Court for the Northern District of Georgia, captioned *Cloudera, Inc. v. Databricks, Inc., et al.*, No. 1:21-cv-00108-ELR (N.D. Ga.), on January 8, 2021;

WHEREAS, on January 13, 2021, Doverspike submitted a Demand for Arbitration of the claims asserted against him by Cloudera with JAMS, pursuant to the Mutual Arbitration Agreement, and filed a Rule 7.2 Emergency Motion to Compel Arbitration and Stay (“Motion to Compel Arbitration”) with the Northern District of Georgia;

WHEREAS, on January 14, 2021, Databricks filed an Emergency Motion to (1) Stay Pending Arbitration or, in the Alternative, (2) Transfer to the Northern District of California (“Motion to Stay”) with Northern District of Georgia;

WHEREAS, Cloudera filed an Opposition-in-Part to Databricks’s Motion to Stay on January 22, 2021, and Databricks filed its Reply on January 26, 2021;

WHEREAS, on January 26, 2021, JAMS issued a notice of intent to initiate arbitration of the Doverspike claims, captioned *Doverspike v. Cloudera*, JAMS Reference No. 1110026641 (“the Arbitration”);

WHEREAS, on January 27, 2021, Cloudera filed an Amended Complaint (the “AC”) against Databricks and Doverspike in the Northern District of Georgia;

WHEREAS, on February 18, 2021, the Northern District of Georgia granted Doverspike’s Motion to Compel Arbitration of the claims asserted against him and Databricks’s motion to transfer the case to the Northern District of California;

WHEREAS, on February 19, 2021, Cloudera submitted its Response and Statement of Notice of Affirmative Defenses and Counterclaims in the Arbitration;

STIPULATION AND ORDER REGARDING SUPP. BRIEFING FOR MOTION TO STAY

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1 WHEREAS, this case was transferred to the Northern District of California on
 2 February 19, 2021, and subsequently reassigned to the Honorable Judge Haywood S. Gilliam, Jr.
 3 on February 24, 2021;

4 WHEREAS, on March 5, 2021, Doverspike submitted his Response and Affirmative
 5 Defenses to Cloudera's Counterclaims, as well as Amended Claims Against Cloudera, Inc. in the
 6 Arbitration;

7 WHEREAS, on March 17, 2021, Databricks re-noticed its January 14, 2021 Motion to
 8 Stay and set it for a hearing on June 24, 2021;

9 WHEREAS, on March 19, 2021, Cloudera submitted its Response to Doverspike's
 10 Amended Claims Against Cloudera, Inc. in the Arbitration;

11 WHEREAS, on March 23, 2021, Cloudera filed a motion for temporary restraining order
 12 in the Arbitration, which is currently being briefed in that forum;

13 WHEREAS, because the current briefing on the Motion to Stay was completed before
 14 Cloudera filed its AC and before the case was transferred to this Court, the briefing is outdated
 15 and does not address new allegations in Cloudera's AC, the subsequent proceedings in the
 16 Arbitration, or Ninth Circuit law. The Parties believe supplemental briefing on the Motion to
 17 Stay would be beneficial for the Court and the Parties; and

18 WHEREAS, the Parties therefore request leave of court, pursuant to Civil Local
 19 Rule 7-3(d), to submit supplemental briefing in accordance with the following schedule and page
 20 limitations below;

21 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
 22 counsel for the undersigned Parties, pursuant to Civil Local Rules 7-3(d) and 7-12 and subject to
 23 the approval of the Court, as follows:

- 24 1. Databricks shall file supplemental briefing in support of its Motion to Stay, limited
 25 to 25 pages, by May 7, 2021;
- 26 2. Cloudera shall file supplemental briefing in opposition to Cloudera's Motion to
 27 Stay, limited to 25 pages, by May 21, 2021; and

3. Databricks shall file supplemental briefing in reply to Cloudera's opposition to the Motion to Stay, limited to 15 pages, by May 28, 2021.

Dated: April 13, 2021

MORRISON & FOERSTER LLP

By: s/ Eric Akira Tate

ERIC AKIRA TATE

Attorneys for Plaintiff CLOUDERA, INC.

Dated: April 13, 2021

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP

By: s/ Christopher G. Clark

CHRISTOPHER G. CLARK
(pro hac vice)

Attorneys for Defendant DATABRICKS,
INC.

ATTESTATION OF E-FILED SIGNATURE

I, Eric Akira Tate, am the ECF User whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that Christopher G. Clark has concurred in this filing.

Dated: April 13, 2021

s/ Eric Akira Tate
Eric Akira Tate

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1. Databricks shall file supplemental briefing in support of its Motion to Stay, limited to 25 pages, by May 7, 2021;
2. Cloudera shall file supplemental briefing in opposition to Cloudera's Motion to Stay, limited to 25 pages, by May 21, 2021; and
3. Databricks shall file supplemental briefing in reply to Cloudera's opposition to the Motion to Stay, limited to 15 pages, by May 28, 2021.

Dated: 4/14/2021


The Honorable Haywood S. Gilliam, Jr.
United States District Judge